

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA DAVID CLARKE,

Defendant.

No. 12-CR-43-LRR

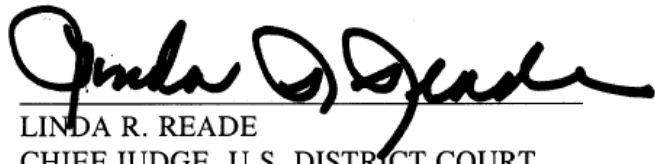
ORDER

The matter before the court is Magistrate Judge Jon S. Scoles's Report and Recommendation (docket no. 24), which recommends that the court deny Defendant Joshua David Clarke's "Motion to Suppress Evidence" ("Motion") (docket no. 19).

The Report and Recommendation states that, "within fourteen (14) days after being served with a copy of this Report and Recommendation, any party may serve and file written objections with the district court." Report and Recommendation at 10. The time to object to the Report and Recommendation has expired and Defendant has not filed any objections. Defendant has thus waived his right to de novo review of the Report and Recommendation. *See, e.g., United States v. Newton*, 259 F.3d 964, 966 (8th Cir. 2001) ("Appellant's failure to file any objections waived his right to de novo review by the district court of any portion of the report and recommendation of the magistrate judge as well as his right to appeal from the findings of fact contained therein.") (quoting *Griffini v. Mitchell*, 31 F.3d 690, 692 (8th Cir. 1994)). The court finds no plain error in Judge Scoles's decision. Thus, the court **ADOPTS** the Report and Recommendation. The Motion is **DENIED**.

IT IS SO ORDERED.

DATED this 5th day of September, 2012.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA